

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ALPHARMA, INC., a Delaware Corporation,)	
)	
)	8:03CV401
Plaintiff,)	
)	
v.)	
)	ORDER
PENNFIELD OIL CO., d/b/a)	
PENNFIELD ANIMAL HEALTH, A)	
Nebraska Corporation.)	
)	
Defendant.)	
)	

This matter is before the court on PennField Oil Co.'s appeal, Filing No. 269, of the order of the magistrate judge, Filing No. 268, denying PennField's motion for leave to issue subpoena duces tecum, Filing No. 242, granting Alharma's motion for a protective order limiting the scope of discovery, Filing No. 256, and denying PennField's motion for protective order, Filing No. 266.

On review of a decision of the magistrate judge on a pretrial matter, the district court may modify or set aside any part of the magistrate judge's order that is clearly erroneous or contrary to law. 28 U.S.C. § 636 (b)(1)(A); Fed. R. Civ. P. 72(a); *In re Lane*, 801 F.2d 1040, 1042 (8th Cir. 1986). *See also Bialas v. Greyhound Lines, Inc.*, 59 F.3d 759, 764 (8th Cir. 1995) (noting "a magistrate is afforded broad discretion in the resolution of nondispositive discovery disputes"). The court has reviewed the parties' submissions to the magistrate judge. The magistrate judge found that the discovery sought was not relevant to issues remaining in the litigation. This court agrees. The magistrate judge's finding comports with this court's earlier ruling on PennField's motion to amend. *See* Filing

No. 234. PennField has not shown that the magistrate judge's findings are clearly erroneous or contrary to law. Accordingly,

IT IS HEREBY ORDERED:

1. The order of the magistrate judge (Filing No. 268) is affirmed;
2. Defendant's appeal (Filing No. 269) of the order of the magistrate judge is dismissed.

DATED this 18th day of June, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge